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Actavis Totowa LLC

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:	)	04-md-1603 (SHS)
OXYCONTIN ANTITRUST LITIGATION	)	This document relates to:
_____		
PURDUE PHARMA L.P.,	)	
THE P.F. LABORATORIES, INC., and	)	
PURDUE PHARMACEUTICALS L.P.,	)	
Plaintiffs and Counterclaim Defendants,	)	Civil Action No.: 1:07 Civ. 03972
v.	)	(SHS)
KV PHARMACEUTICAL COMPANY and	)	
ACTAVIS TOTOWA LLC,	)	
Defendants and Counterclaim Plaintiffs,	)	
v.	)	
THE PURDUE FREDERICK COMPANY,	)	
THE PURDUE PHARMA COMPANY, and	)	
EUROCELTIQUE S.A.,	)	
Counterclaim Defendants.	)	
_____		

**ACTAVIS TOTOWA LLC'S  
REPLY BRIEF IN SUPPORT OF ITS  
MOTION TO LIFT THE STAY OF THE PATENT ISSUES**

No party opposes Actavis' March 14, 2008 Motion to Lift the Stay of the Patent Issues or Actavis' request for a prompt resolution of the patent issues. In fact, in Purdue's March 28, 2008 Response (Docket Item No. 44), Purdue expressly consents to lifting the stay of the patent issues and an expedited discovery schedule. As such, the Court should lift the July 27, 2007 stay of the patent infringement and invalidity claims and schedule a conference to set an accelerated discovery schedule.

In its Response, Purdue states, without justification, that "Actavis' request [to lift the stay] rings hollow because Actavis has failed to provide any discovery to Purdue to date." (Purdue's Response at 1.) Purdue fails to mention, however, that it has not propounded any discovery requests upon Actavis. Of course, the reason for this is clear – the stay established in the July 2007 Scheduling Order prohibited the parties from engaging in any discovery relating to the infringement and validity issues. That being said, to the extent that the production of the documents identified by Purdue may facilitate a speedier resolution of this case, Actavis has begun the process of identifying and collecting such documents and will voluntarily produce non-privileged documents to Purdue on a rolling basis in the near future.

Actavis firmly believes that the remaining issues in this case are narrow and can be resolved by the end of 2008. As such, Actavis requests that the stay of the patent issues be lifted immediately and that an expedited discovery schedule be established to resolve this case once and for all.

Dated: April 2, 2008

Respectfully submitted,

By: /s/ Chad A. Landmon  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 2, 2008, a true and correct copy of Actavis Totowa LLC's Reply Brief in Support of its Motion to Lift the Stay of the Patent Issues was filed electronically and is available on the ECF system for downloading. I also certify that on April 2, 2008, I caused a copy of these documents to be served on the counsel listed below via electronic mail and first-class mail, postage prepaid:

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